

From: [Schaub, Mike](#)
To: [Firmin, Brigitte](#); [Hodges, Joe A](#); [Amy Trahan \(amy_trahan@fws.gov\)](mailto:amy_trahan@fws.gov)
Subject: ESA Informal Consultation: Louisiana statewide freshwater ammonia criteria
Date: Wednesday, June 3, 2020 5:09:00 PM
Attachments: [LA 2016 TR Ammonia DRAFT BE for FWS review.pdf](#)
[NH3 Supplemental Information B.zip](#)

Hello Brigitte,

This email serves to initiate informal consultation under Section 7(a)(2) of the Endangered Species Act (ESA) with the U.S. Fish and Wildlife Service (USFWS) Louisiana Ecological Services Field Office (USFWS) regarding the Environmental Protection Agency's (EPA) eventual action on Louisiana's pending adoption of amendments to Title 33, Part IX, Chapter 11 of the Louisiana Surface Water Quality Standards, pursuant to Clean Water Act (CWA) Section 303(c) and 40 CFR Part 131. The Environmental Protection Agency (EPA) Region 6 would like to request USFWS's early review of the enclosed draft biological evaluation (BE) for the referenced water quality criteria provision. The state of Louisiana has proposed to adopt new water quality criteria for ammonia in all freshwaters of the state that are consistent with EPA's CWA Section 304(a) criteria recommendations. These criteria have not yet been adopted by the state, as it has not yet completed its rulemaking process. However, the state has completed its public comment period for this rulemaking and Louisiana Department of Environmental Quality (LDEQ) staff have indicated their near certainty that these criteria will be adopted into state rule alongside other water quality standards provisions not affecting listed species. More information on these criteria can be found in the following document: <https://www.epa.gov/sites/production/files/2015-08/documents/aquatic-life-ambient-water-quality-criteria-for-ammonia-freshwater-2013.pdf>. EPA requests USFWS's early review of this BE in anticipation that LDEQ will submit such criteria revisions in the near future. Given the complexity of the analysis in this BE, and tight statutory deadlines for EPA to approve state-submitted water quality standard provisions (60 days from the date of the state's submission), EPA requests USFWS's technical assistance and early review of the attached draft BE so as to facilitate its final review of EPA's anticipated request for concurrence when the state officially submits these new criteria.

This BE focuses on the listed species and critical habitat that have the potential to be affected by both direct and indirect effects of ammonia in water. These species include those listed in Table 1-2 of the BE. The EPA has determined that, in the event it takes action to approve these revised standards, such an action may affect, but will not likely adversely affect, the listed aquatic species and their critical within the specific action area described in the enclosed BE.

EPA is requesting no specific timetable for USFWS review and comment at this time, as we are not yet officially requesting concurrence on this BE. However, EPA welcomes USFWS's timely review so that any questions or concerns can be addressed, or USFWS-suggested changes to the BE can be made, prior to EPA's official request for concurrence on its determinations. EPA anticipates requesting USFWS concurrence immediately upon official receipt of the state's submission. In addition to the BE, we are also sending you 2 ZipFolders that include concentration-response curves for ammonia (NH3_Supplemental_Information_A and NH3_Supplemental_Information_B) as referenced in the BE text and its appendices. Due to size restrictions, I will have to send you NH3_Supplemental_Information_A in a separate email.

If you have questions about this request or the enclosed BE, please feel free to email, or give me a call at (214) 675-4512.

Thanks!

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